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CHARLES W. McCALL

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
CHARLES W. McCALL and JAY M.  
LAPINE,  
  
Defendants.

Case No.: CR-00-0505-MJJ

**STIPULATION AND [REDACTED]  
ORDER ALLOWING DEFENDANT  
CHARLES W. McCALL TO FILE  
MATERIALS UNDER SEAL**

The Honorable Martin J. Jenkins  
Date: N/A  
Time: N/A  
Courtroom 11, Nineteenth Floor  
Trial Date: September 11, 2006

1 The United States and defendants Charles W. McCall and Jay M. Lapine, through  
2 their respective counsel, stipulate and agree as follows:

3 **RECITALS**

4 1. On March 28, 2003, in the San Francisco Superior Court, the Honorable  
5 Donald S. Mitchell entered a Confidentiality Stipulation and Protective Order governing all  
6 documents provided in the consolidated action captioned *Utah State Retirement Board et al.*  
7 *v. McKesson HBOC, Inc. et al.*, (No. 311269), *Minnesota State Board of Investment v.*  
8 *McKesson HBOC, Inc. et al.*, (No. 311747), *State of Oregon v. Bear Stearns & Co. et al.*  
9 (No. CGC-02-405792). The Order further requires that no document containing any  
10 material designated as Confidential, under the terms of the Stipulation, shall be filed as part  
11 of a public court file.

12 2. On June 11, 2003, in the State Court of Fulton County Georgia, the Honorable  
13 Penny Brown Reynolds entered a Consent Protective Order governing all documents  
14 provided in the action captioned *Suffolk Partners Limited Partnership, et al. v.*  
15 *McKessonHBOC, Inc., et al.* (No. 00 VS 010469 A). The Order further requires that no  
16 document containing any material designated as Confidential, under the terms of the  
17 Stipulation, shall be filed as part of a public court file.

18 3. On July 24, 2003, in the United States District Court, Northern District of  
19 California, the Honorable Judge Patricia V. Trumbull entered a Stipulation and Order  
20 Governing the Treatment of Confidential Information governing all documents provided in  
21 the action captioned *In re McKessonHBOC, Inc. Securities Litigation* (Master File No. CV-  
22 99-20743 RMW). The Order further requires that no document containing any material  
23 designated as Confidential, under the terms of the Stipulation, shall be filed as part of a  
24 public court file.

25 4. On December 16, 2003, in the Court of Chancery for the State of Delaware,  
26 the Honorable William B. Chandler III entered a Confidentiality Order governing all  
27 documents provided in the action captioned *Saito et al. v. McCall et al.* (No. 17132-NC).  
28

1 The Order further requires that no document containing any material designated as  
2 Confidential, under the terms of the Stipulation, shall be filed as part of a public court file.

3 5. On December 29, 2003, in the United States District Court, Northern District  
4 of California, the Honorable Ronald M. Whyte entered a Stipulation and Order Governing  
5 the Treatment of Confidential Information governing all documents provided in the action  
6 captioned *In re McKessonHBOC, Inc. ERISA Litigation* (No. C 00-20030 RMW). The  
7 Order further requires that no document containing any material designated as Confidential,  
8 under the terms of the Stipulation, shall be filed as part of a public court file.

9 6. On October 28, 2003, this Court entered a Protective Order Regarding  
10 Production of Discovery to Third Parties By Defendants and Sealing Order. The Order  
11 requires that all documents disclosed by the United States to Defendants shall not be  
12 disclosed to third parties except as necessary for effective trial preparation.

13 7. The parties agree that, going forward, all materials governed by the  
14 confidentiality and protective orders described above will be filed under seal. The limited  
15 scope of the this joint request attempts to meet this Court's directive that such requests be  
16 "narrowly tailored to seal only that material for which good cause to seal has been  
17 established. Any order sealing any documents shall direct the sealing of only those  
18 documents, pages or, if practicable, those portions of documents or pages, which contain the  
19 information requiring confidentiality." Civil L.R. 79-5(b).

**STIPULATION**

Based on the foregoing, IT IS HEREBY STIPULATED AND AGREED that, with this Court's permission, Mr. McCall will file under seal excerpts of any materials including but not limited to pleadings, letter briefs, and/or accompanying declarations and/or exhibits that contain information governed by the confidentiality and protective orders described above.

IT IS SO STIPULATED AND AGREED.

DATED: October 19, 2006

Respectfully submitted,

HELLER EHRMAN LLP

By /s/ Michael J. Shepard  
Michael J. Shepard

-- and --

PAUL, WEISS, RIFKIND, WHARTON, &  
GARRISON LLP

By /s/ Theodore V. Wells, Jr.  
Theodore V. Wells Jr.

Attorneys for Defendant  
CHARLES W. MCCALL

1  
2 DATED: October 19, 2006

UNITED STATES OF AMERICA

3  
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Attorneys for Defendant  
JAY M. LAPINE

21 Pursuant to the foregoing stipulation, IT IS SO ORDERED.

22 DATED: October 20, 2006



23 THE HONORABLE MARTIN J. JENKINS  
24 United States District Judge  
25  
26  
27  
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